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10/580,515	10/30/2006	Bei Wang	2002P00407WOUS	2067

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BRIARCLIFF MANOR, NY 10510

EXAMINER
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HOANG, SON T

ART UNIT	PAPER NUMBER
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2165

NOTIFICATION DATE	DELIVERY MODE
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11/23/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/580,515	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> SON T. HOANG	<b>Art Unit</b> 2165	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE  $\frac{1}{2}$  MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 26-30 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 26-30 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Response to Amendment*

1. In response to the amendment filed on September 19, 2011:

**Claims 1-25**, and **31-40** are canceled.

**Claims 26-28** are amended.

**Claims 26-30** are pending.

### *Response to Arguments*

2. In response to the remarks filed on September 19, 2011:

a. Objection to **claim 27** is withdrawn in view of Applicant's amendment.

b. 35 U.S.C. 112, second paragraph, rejection of **claim 26** is withdrawn in view of Applicant's amendment.

c. Applicant's arguments with respect to the 35 U.S.C. 103(a) rejections of the pending claims have been considered but are moot in view of a new ground of rejections presented hereon. However, Applicant is also noted that the recitation "*An optical storage medium having a physical character for playback on processing systems restricted to a given data format*" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand

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alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 26** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim recites “*an optical storage medium having a physical character for playback on processing systems restricted to a given data format*” on lines 1-3. This limitation appears to have no support in the disclosure.

4. **Claim 26** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 26**, the claim recites “*an optical storage medium having a physical character for playback on processing systems restricted to a given data format*”

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on lines 1-3. This limitation appears to have no support in the disclosure, thus renders the claim indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 26-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (*Pub. No. US 2003/0110320, filed on December 11, 2002; hereinafter Ono*) in view of Mercer et al. (*Pub. No. US 2004/0078382, filed on October 17, 2002; hereinafter Mercer*), further in view of Nakashima et al. (*Pat. No. US 5,708,650, published on January 13, 1998; hereinafter Nakashima*).

Regarding **claim 26**, Ono clearly shows and discloses an optical storage medium (*Figure 1, #2*), the optical storage medium comprising:

at least one of a plurality of content object files each having one of a plurality of data types and any one of a plurality of data formats for playback on a data processing system (*Figure 3 shows a memory card storing a plurality of data types of video, audio, and still images for playback by system 1 of Figure 1, [0063]. Note that each data type*

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*has a different data format such as BMP, JPEG for images and MPEG or Quicktime for videos), [0096]);*

an application layer including a generic logic format having a data structure implemented for describing each of the plurality of content object files (*Figures 3-4 show a data structure of application layer on the memory card describing audio files, video files, and still images stored on the memory card*);

said generic format preventing dependence of the object files on physical character of the optical storage medium (*formats such as Video CD or Photo CD can be stored on the memory card using data structures of Figures 3-4, [0096]*).

Mercer then discloses:

at least one object definition file associated with each content object file for describing the data type and data format in content object files (*Figure 7 shows structure of CONTENTS.HTM, [0086]. The CONTENTS.HMT file contains information about all the media files present on the medium, [0115] and Table 8 in [0093]*); and

an index file including a table of contents having a reference to the content object files (*Figure 7 shows the structure of the MENU.HMT file. Such MENU.HTM file contains multiple menu header, each menu header comprises a playlist field, which stores a reference to one or more media files, and a summary field, [0071]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Mercer with the teachings of

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Ono for the purpose of creating and reading an adaptive menu system for use with media players using index files with an universal format.

Nakashima then discloses an optical storage medium having a physical character for playback on processing systems restricted to a given data format (*Figure 10 shows each format of a plurality of data formats can only be read by a particular computer system platform*, [Column 10, Lines 14-63]), a physical layer directly linked to the physical character of the optical storage medium (*Figure 2 shows the optical disk corresponding to an optical disk drive*), wherein the application layer is independent from said physical layer (*Figure 4 shows a logical layer of the optical disk which is independent from the optical disk since it stores a plurality of logical data formats for different companies*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Nakashima with the teachings of Ono, as modified by Mercer, for the purpose of supporting a plurality of formats recorded on a physical storage medium to be recognized by different computer platforms using logical formats.

Regarding **claim 27**, Mercer further discloses the at least one object definition file and the index file are written in a meta-language that includes at least one of the Extensible Markup Language (XML), Synchronized Multimedia Integrated Language (SMIL), and a custom-defined meta-language (*CONTENTS.HMT, nnnnnnnn.HMT, MENU.HMT, and TEXT.HMT*, [0115]).

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It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Mercer with the teachings of Ono and Nakashima for the purpose of creating and reading an adaptive menu system for use with media players using index files with an universal format.

Regarding **claim 28**, Mercer further disclose the application layer further comprises:

one or more content objects file each corresponding to one of the plurality of data types and data formats (*exemplary compressed media format of the invention encompasses audio, still images, and video media files 1004 in various formats*, [0098]),

a plurality of object definition files each defining the data type in the corresponding content object file (*Figure 7 shows structure of CONTENTS.HTM*, [0086]), and

a presentation file including presentation definitions of the content object files to be played (*playlist is a convenient way to organize groups of audio, video, and image files on a computer-readable medium. The playlist may include, but is not limited to, one or more of the following: a media file, a group of audio files, a group of video files, a group of timed image sequences, and a group of various complex parallel combinations of images with audio or video*, [0034]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Mercer with the teachings of



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Ono and Nakashima for the purpose of creating and reading an adaptive menu system for use with media players using index files with an universal format.

Regarding **claim 29**, Mercer further discloses the application layer further comprises a file system (*compressed media format for use with the invention defines a logical format for organizing compressed media files 1004 in a file system 1006 on computer-readable media 1008 such as optical discs*, [0098]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Mercer with the teachings of Ono and Nakashima for the purpose of creating and reading an adaptive menu system for use with media players using index files with an universal format.

Regarding **claim 30**, Mercer further discloses the presentation file includes a playlist definition file (*There is one file for each playlist on the medium called `nnnnnnnn.HMT` where nnnnnnnn is a hexadecimal playlist file identifier. These playlist files are created in a `PLAYLIST` subdirectory*, [0115] and FIG. A1).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Mercer with the teachings of Ono and Nakashima for the purpose of creating and reading an adaptive menu system for use with media players using index files with an universal format.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday – Friday (7:00 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Neveen Abel-Jalil can be reached on (571) 272-4074. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son T. Hoang/  
Primary Examiner, Art Unit 2165  
November 18, 2011